

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUSAN ELIZABETH CUMMINS,) No. C 09-4007 MMC (PR)
Petitioner,)
v.) **ORDER OF DISMISSAL;
PAUL COPENHAVER, Warden,) DENYING LEAVE TO
HARLEY LAPPIN, Director, BOP,) PROCEED IN FORMA
Respondents.) PAUPERIS
) (Docket No. 2)**

On August 28, 2009, petitioner, a federal prisoner incarcerated at Camp Parks, in Dublin, California, and proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. That same date, the Court notified petitioner in writing that the action was deficient due to petitioner's failure to pay the requisite filing fee or, instead, to submit a completed court-approved in forma pauperis ("IFP") application. Specifically, in said notice, petitioner was advised that she must submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison, and must attach a copy of her prisoner trust account statement showing transactions for the last six months. Petitioner was further advised that her failure to pay the filing fee or, alternatively, to file a completed IFP application, within thirty days, would result in dismissal of the action. Along with said notice, petitioner was sent a copy of the court-approved prisoner's IFP application, instructions for completing it, and a return envelope.

1 More than thirty days have passed since the deficiency notice was sent to
2 petitioner, and she has neither filed a completed IFP application nor paid the filing fee.
3 Accordingly, the above-titled action is hereby DISMISSED without prejudice.
4 Additionally, the incomplete application to proceed in forma pauperis is hereby DENIED
5 and no fee is due.

6 This order terminates Docket No. 2.

7 The Clerk shall close the file.

8 IT IS SO ORDERED.

9 DATED: October 13, 2009


MAXINE M. CHESNEY
United States District Judge

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